

REMARKS/ARGUMENTS

Claims 5, 8-13, 16, 17, and 19-54 are pending and at issue in the present application, claims 1-4, 6, 7, 14, 15, and 18 having been cancelled by this amendment, and claim 54 having been added by this amendment.

Applicant respectfully acknowledges the allowance of claims 5, 8-13, 20-22, 28-36, 38-41, and 43-53.

Applicant respectfully acknowledges the objection to claims 15 and 25-27 as being dependent on a rejected independent claim, but otherwise allowable, and reserves the right to rewrite claims 15 and 25-27 in independent form at a later time.

Claims 37 and 42 were rejected under 35 U.S.C. § 112, para. 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. The claims have been amended to better define the invention. Reconsideration and withdrawal of this rejection is requested.

Applicant respectfully traverses the rejection of claims 1-4, 6, 7, 14, 16, 18, 23, and 24 as anticipated by Tsuyama and claims 17 and 19 as obvious in light of Tsuyama,

To expedite prosecution, claims 1-4, 6, 7, 14, 15, and 18 are cancelled by this amendment. Applicant asserts the patentability of claims 1-4, 6, 7, 14, 15, and 18, and reserves the right to claim identical or similar subject matter in new claims at a later time.

Claim 16, and claim 17 dependent thereon, specify a suspension device having a base member comprising a housing. A clamping assembly is mounted for sliding movement relative to the base member and is adapted to clamp an item. The clamping assembly includes a first clamping member and a second clamping member movable with respect to the first clamping member. The clamping assembly is in combination with an item clamped between the first clamping member and the second clamping member. Further, the first clamping member includes an elongate body having a grasping portion disposed at one end thereof and a guide portion disposed at another end thereof.

Claim 19 recites a suspension device comprising a base member and a clamping assembly mounted for sliding movement relative to the base member and adapted to clamp an item. The base member includes two pairs of elongate recesses and the clamping assembly includes two pairs of guide members disposed and guided within the elongate recesses.

Claim 23 specifies a suspension device for a pouch comprising a housing having a mounting member and first and second side walls. The suspension device further comprises a clamping assembly slidable along a linear path with respect to the housing. The clamping assembly has a first clamping member and a second clamping member wherein the second clamping member is movable with respect to the first clamping member and is adapted to clamp the pouch therebetween. Each of the first and the second side walls includes two elongate recesses.

Claim 24 recites a suspension device for a pouch comprising a housing and a clamping assembly. The clamping assembly is slidable along a linear path with respect to the housing and has a first clamping member and a second clamping member, wherein the second clamping member is movable with respect to the first clamping member and is adapted to clamp a pouch therebetween. Further, the first clamping member includes an elongate body having a grasping portion disposed at one end thereof and a guide portion disposed at another end thereof.

New claim 54 specifies a suspension device comprising a base member and a first clamping member and a second clamping member. The first clamping member and the second clamping member are adapted to clamp an item therebetween and are mounted for sliding movement relative to the base member in a direction along a linear path. The second clamping member is further movable with respect to the first clamping member. The base member includes a surface that limits travel of the first and second clamping members relative to the base member along the linear path direction.

There is no disclosure or suggestion in Tsuyama of a clamping assembly mounted for sliding movement relative to a base member, wherein the clamping assembly includes a first clamping member and a second clamping member movable with respect to the first clamping member, and wherein the first clamping member includes an elongate body having a grasping portion disposed at one end thereof and a guide portion disposed at another end thereof as specified by claims 16 and 17.

Further, there is no disclosure or suggestion of a base member having two pairs of elongate recesses as recited by claim 19.

Additionally, there is no disclosure or suggestion of a housing having first and second side walls, wherein each of the first and the second side walls includes two elongate recesses as specified by claim 23.

Still further, there is no disclosure or suggestion of a clamping assembly slidable along a linear path with respect to a housing, wherein the clamping assembly includes a second clamping member movable with respect to a first clamping member, and wherein the first clamping member includes an elongate body having a grasping portion disposed at one end thereof and a guide portion disposed at another end thereof as recited by claim 24.

Finally, there is no disclosure or suggestion of first and second clamping members mounted for sliding movement relative to a base member, wherein the second clamping member is further movable with respect to the first clamping member as specified by claim 54.

In fact, Tsuyama discloses a mounting device having a housing comprised of a rectangular base 1 and two vertical portions 3 depending from opposing sides thereof. The housing also includes an upright member 5 that depends from an end of the base 1 between the two vertical portions 3. A clamping assembly is disposed within the housing and comprises an adjustment screw 11 that extends through a hole 4 of the upright member 5 and into a threaded hole of a slider 9. When the screw 11 is rotated the slider 9 is repositioned longitudinally within the housing. A slidable shaft member 7 extends from the slider 9 into a single elongated slot 6 on each of the vertical portions 3 and acts as a guiding portion to assist in the repositioning of the slider 9. An immobile fastening arm 12 is disposed adjacent the upright member 5. A mobile fastening arm 13 is attached to the shaft member 7 on the slider 9, wherein the fastening arm 13 is rotatable relative to the shaft member 7 and is movable with respect to the first fastening arm 12 when the slider 9 is repositioned.

There is no disclosure or suggestion in Tsuyama that the immobile fastening arm 12 and the mobile fastening arm 13 comprising the closure assembly can both be moved relative to the housing. Further, even if the examiner contends that the shaft member 7 is similar to the guide portion of the present application, the immobile fastening arm 12 is not movable with respect to the mobile fastening arm 13.

Still further, there is no disclosure or suggestion of providing more than one elongated slot 6 within each of the vertical portions 3 comprising the housing.

Because the prior art does not disclose each of the elements recited by claims 16, 23, and 24, it follows that such claims are not anticipated thereby.

Further, because Tsuyama does not disclose or suggest that it would be desirable or even possible to modify both the first and second clamping members for sliding movement relative to the base member or to modify the base member to include two pairs of elongate recesses, it follows that claims 17 and 19 are not obvious thereover. The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. See *In re Sernaker*, 217 U.S.P.Q. 1 (Fed. Cir. 1983) and *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Accordingly, the obviousness rejections should be withdrawn.

Each of the examiner's objections and rejections having been specifically and fully responded to and it is respectfully submitted that claims 16, 17, 19, 23, 24, 37, 42, and 54 are in condition for allowance. Accordingly, reconsideration and allowance of the claims at issue are respectfully requested.

Respectfully submitted,

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